

# **Moving Forward: Positive Efforts Towards Reducing Racial and Ethnic Disparities in the Juvenile Justice System**

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## EXECUTIVE SUMMARY

The overrepresentation of youth of color in the juvenile system is well documented in Washington State. Despite awareness of this issue, Racial and Ethnic Disparity (RED) continues at every level of the juvenile system.

Although the causes of RED are complex and hard to fully grasp, there are numerous and noteworthy reform efforts occurring across our state. These endeavors are encouraging indications of the present will and ability to make positive changes to juvenile justice in Washington State, at individual, institutional, and systemic levels. This symposium of the Washington State Supreme Court and the Minority and Justice Commission provides an ideal forum in which to recognize and learn from these advancements.

Creating real impacts in reducing RED requires judicial leadership, agency collaboration, and meaningful community engagement. This report provides an update on the positive efforts that are helping to reduce racial and ethnic disproportionality in our juvenile justice system. The programs highlighted in this report are separated into topic areas that reflect both the scope and complexity of youth involvement in the justice system. Those topic areas include: The Juvenile Justice Process; Funding Sources; Understanding the Issues; Data Collection; Related Systems (*e.g.*, education and school discipline, child welfare, and multi-system collaboration); Prevention; Conditions of Confinement; and Reentry. By collecting and sharing this information, we hope to encourage communication, collaboration and coordination among the system's various stakeholders. Positive efforts should be affirmed and replicated whenever possible, and it is with this purpose that we submit this report to the Washington State Supreme Court.

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## I. INTRODUCTION

Chief Justice Madsen, Justices of the Supreme Court, and all those interested in the general welfare of juveniles: We are privileged to present this report for your consideration. This report contains a summary of the various efforts being made in Washington State to improve our juvenile justice system and reduce its disproportionate racial impacts.<sup>¶</sup>

Although the overall juvenile crime rate has dropped nationally, and in Washington State as well, statistics show that minority youth continue to be disproportionately represented at every stage of the system. Data collection on RED is crucial to identifying and eliminating disparity in juvenile justice, and it enables system participants to discuss difficult issues around race/ethnicity by focusing on facts. However, the mere process of data collection and inquiry into disproportionality cannot be the ultimate product; once we understand that we have a problem, the motion must turn into movement. Similarly, the purposefully evolving juvenile justice system must be about more than negative consequences for at-risk youth. Instead, the system must also be one that offers opportunity and a positive route to better outcomes for our youth.

Since the previous symposium in 2012, there have been many positive changes and ideas implemented in our State. This report highlights encouraging programs that are actively aimed at reducing RED, and it draws attention to selected areas of improvement.

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## II. THE JUVENILE JUSTICE PROCESS

Data consistently shows that RED is not only present, but that it increases at every step of the juvenile court and detention process. With this knowledge, efforts have been made to reduce RED by increasing deferral programs and alternatives to formal processing, improving court rules and representation standards, and increasing overall knowledge of the juvenile justice system and its processes.

### SERVICES & DEFERRAL PROGRAMS

Many youth that come into contact with the juvenile justice system have unmet needs, and yet they present a relatively low risk to public safety. For these youth, effective deferral programs and treatment alternatives can be critical to accessing resources and avoiding unnecessarily punitive consequences. On the other hand, deferral programs and court-supervised treatment may also be indicators of underfunding or gaps in support elsewhere in our society.

**Benton-Franklin County, Fast Accountability Skills Training (FAST):** The FAST program is a court-based program with a strong community service component that also provides the opportunity for participants to practice skill building, goal attainment, and situation management, instead of experiencing the formal court process. Between May 2010 and October 2012, 124 youth participated in the program, of which, 58% were Latino, 37% Caucasian, and 5% African American. In terms of outcomes, there was little difference in recidivism prevention between FAST participants and those receiving a detention stay. Nevertheless, the community-based services and training are much preferable to formal processing.

**King County Prosecuting Attorney's 180 Program:** Although 1,000 juveniles were sentenced in 2013 in King County, significantly more youth were diverted from the formal justice system into community-based programs. One such program is the King County Prosecutor's Office's 180 Program, which is designed to reach youth who are facing their first or second low-level misdemeanor offense. Instead of filing charges against offenders in Juvenile Court, assigning them public defenders, and waiting for the court system to hear their case, the Prosecutor's Office (PAO) invites them to participate in a half-day workshop sponsored by community members. The youth also engage in small group exercises where they talk about the issues affecting them and receive personal direction on how to make a change in their lives. If the child engages in the workshop and completes the curriculum, they are not charged with the misdemeanor.

**Deferral Programs for Native Youth:** Native youth experience disproportionately negative outcomes across a range of different indicators. Accordingly, they may benefit from programs that address their unique needs, while also supporting and strengthening community relationships.

- **Tulalip Tribal Court Elders Panel:** The Elders Panel serves young (18-25 years old), first time non-violent offenders who have been charged with minor criminal offenses. Eligible participants who volunteer to join this program spend a year meeting with a panel of tribal elders who then guide the young person toward better outcomes. The Panel may impose obligations on the young person such as writing letters of apology, community service, substance abuse treatment, UA's, curfews, anger management classes, mental health evaluations, family history research, or spiritual activities. If the young person completes the requirements and has no new violations after a year, the charges against them are dismissed. The Tulalip Tribes have seen lower rates of recidivism among young people who participate in this community-based program. Additionally, the Tulalip Tribes are also collaborating with Snohomish County to provide more services to American Indian children in the state system, by allowing them to participate in culturally competent diversion programs at Tulalip.
- **Colville Youth Tribal Diversion Project, Colville Tribes of the Colville Indian Reservation:** This project aims to reduce the disproportionate contact between Native American youth and the justice system. The project utilizes behavioral health screening and referral systems, family and community based supportive services, and mentoring programs. The target population includes 100 at risk youth ages 12 to 17 referred by the schools and high-risk youth ages 12 to 17 referred by the county juvenile courts.

**Reclaiming Futures:** Reclaiming Futures works with youth involved in the juvenile justice system that have substance abuse and or mental health challenges. The organization works with local partners to expand access, services, and treatment opportunities for youth of color.

**Yakima County Juvenile Court, Yakima County Youth Services Bureau:** This project worked to establish a county-wide network of youth services designed to significantly reduce juvenile RED. It was funded through December 31, 2013 by a (JJDP) Title V grant.

**Yakima County Juvenile Gang Court:** The Gang Court was established with the vision of holding youth accountable, while also offering them a way out of the gang lifestyle, and creating safer communities in the process. Youth charged with crimes can receive treatment from a Gang Intervention Specialist, Probation Counselor, service providers, and the Judge if they are statutorily eligible for the program. To participate, youth must abide by the rules of the program and go through several levels of evaluation, action/implementation, stabilization, and maintenance. Upon completion of the program, presenting convictions are vacated, and the charges dismissed with prejudice.

**African American and Latino Community Leaders Group:** The Benton-Franklin Juvenile Justice Center built and supported the African American Community Leaders Group (AALG) and the Latino Community Leaders Group (LCLG). The AALG concentrated on diversion and early intervention mentorship opportunities for African American youth. The LCLG worked to ensure Latino youth receive diversion opportunities, and to help build community supported work sites for youth. Furthermore, the LCLG targeted media message systems to inform the community about important topics such as truancy, gangs, and parental involvement. Without funded staff and supplies, both groups were unable to be sustained once Models for Change support ended. Community focused groups such as these can work closely with populations experiencing RED, but they need more consistent support.

**Benton-Franklin County, MAYSI-2 Implementation:** Providing mental health resources for youth is an area where accurate, culturally appropriate modes of delivery and care are crucial to success. The Juvenile Court simultaneously administered two screening tools for a three-month period beginning in January 2011. (The MAYSI-2, and the Boesky Screen, which the court was using before Models for Change). The goal of simultaneous administration was to provide a “proxy-validation” of the Boesky Screen, given that the MAYSI-2 is a validated tool. NYSAP determined that the Boesky Screen compared favorably to the MAYSI and as a result, the juvenile court decided to continue to use the Boesky tool following the “proxy-validation” analysis by NYSAP.

## **CULTURAL COMPETENCY & IMPROVED COMMUNICATION**

### **Washington Juvenile Indigent Defense Action Network (JIDAN) Colloquies**

**Project:** The Colloquies Project has developed more effective, developmentally appropriate colloquies for judges and probation counselors to use when talking to young people about their rights and responsibilities. Based on cognitive development and field research, this project targeted first appearance and disposition hearings as areas where communication between juveniles and courts

could be improved. Research demonstrated that youth involved in these hearings understood only one-third of the conditions that were imposed on them. When juveniles do not comprehend the rules that have been ordered, they are less able to comply with them, and to avoid further involvement in the juvenile justice system. This project collaborated with judges, juvenile courts, prosecutors, defense attorneys, and youth to create colloquies and forms that are more accessible to young people, allowing juveniles more meaningful participation in their own court cases. The tools were piloted in Benton-Franklin and Clark Counties, and juvenile comprehension of court ordered conditions rose to 90% as a result of their implementation.<sup>1</sup> A toolkit for project replication has since been published, which includes examples of situational colloquies,<sup>2</sup> and copies have been provided to all Superior Court Judges and Commissioners in Washington State. In addition, colloquies presentations were offered at the 2012 Washington State Juvenile Justice Conference and the 2013 Washington State Superior Court Spring Judicial Conference.<sup>3</sup> This project shows the huge difference that can be made by a very simple change in practice. If possible, the report and example colloquies should be made available on the Washington Courts website, and their use encouraged in all superior courts.

**Juvenile Justice 101 (JJ101):** The Juvenile Court process can be difficult to navigate, especially for families from other cultural/national origins. JJ101 is designed to help parents and youth understand the process better.<sup>4</sup> Deeper understanding is achieved through various outreach strategies, including a court orientation, agency presentations, one-on-one support, and community outreach. Often, volunteer parents of youth who have been through Juvenile Court themselves will help to give information in court and run workshops. This approach has been further targeted to populations identified as experiencing difficulty in understanding the juvenile system. For example, Somali JJ101 targets the Somali community in King County by offering information sessions and workshops in a culturally competent and effective mode of delivery. For these sessions, Somali parents, selected by the community, offered peer support and guidance.

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<sup>1</sup> Rosa Peralta & George Yeannakis, *Models for Change, Innovation Brief, Judicial Colloquies: Communicating with kids in Court*, MODELS FOR CHANGE, Dec. 2013, available at <http://www.modelsforchange.net/publications/491> last accessed (May 8, 2014).

<sup>2</sup> Rosa Peralta et al., *Washington Judicial Colloquies Project: A Guide for Improving Communication and Understanding in Juvenile Court*, TEAMCHILD & JUVENILE INDIGENT DEFENSE ACTION NETWORK, Oct. 2012, available at <http://www.modelsforchange.net/publications/343> (last accessed May 15, 2014).

<sup>3</sup> Peralta, *Models for Change, Innovation Brief, Judicial Colloquies: Communicating with kids in Court*, *supra* note 1 at 4.

<sup>4</sup> Sarah Walker, *Juvenile Justice 101: Addressing Family Support Needs in Juvenile Court*, 2 J.OF JUVENILE JUST. 54 (2012) available at <http://www.journalofjuvjustice.org/JOJJ0201/article05.htm> (last accessed May 15, 2014).

**King County Warrant Prevention Pilot Project:** Initiated with the purpose of reducing failures to appear and the subsequent warrants issued, this project offers culturally competent outreach and court reminders.<sup>5</sup> The project targets South King County youth, especially youth of color, and addresses the barriers they experience in making court appearances and participating in diversion. The program contracts with the Alive and Free program, whose outreach workers attempt to locate and support youth in getting to court. Juvenile court staff share information with these outreach workers, who then document the barriers that each child is facing. Because of limited resources, this program focuses on providing support through case setting, at the beginning of the juvenile court process.

**Benton-Franklin County Call Reminder System:** The BFJJC implemented a call reminder system with intern/volunteer resources during 2008, to decrease the number of youth of color arrested for failing to appear for a court date. Overall, FTA warrants decreased 25% between 2008 and 2012. However, numbers of Hispanic youth failing to appear remained high. The call reminder program could not be sustained after the direct project support ended in 2012. This type of program is a promising effort. Youth of color and multi-lingual youth are much more likely to fail to appear based on familial, language, or other reasons, and could potentially be kept out of the system with a simple reminder call.

**Benton-Franklin County Youth Council:** The Youth Council was charged with identifying informational resources that would be more accessible if translated into other languages. The Council, in cooperation with the BFJJC, inventoried the most frequently used forms and translated these into Spanish when a Spanish version did not exist. Most recently (March 2013), a “Know your Rights” booklet guide to the juvenile justice system in Washington was developed with state partners and English/Spanish content was made available to families/youth. According to Models for Change, an exhaustive list of both the frequently used forms and the infrequently used forms that were translated and offered to families entering the system through Youth Council outreach is available.<sup>6</sup> Legal literacy is a problem that disparately harms communities of color, and accessibility efforts such as these should be emulated wherever possible.

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<sup>5</sup> See, e.g., Michael D. Pullman et al., *Washington State Disproportionate Minority Contact Assessment*, WASH. ST. P'SHIP COUNCIL ON JUVENILE JUST., January 2013, available at [http://www.dshs.wa.gov/pdf/ojj/DMC/DMC\\_Final\\_Report\\_2013.pdf](http://www.dshs.wa.gov/pdf/ojj/DMC/DMC_Final_Report_2013.pdf) (last accessed May 8, 2014) at 10.

<sup>6</sup> Andrew Wachter et al., *2013 Washington State Targeted Areas of Improvement & Strategic Opportunity for Technical Assistance Data Inventory*, NAT'L CTR. FOR JUVENILE JUSTICE (2014) at 28, available at <http://www.modelsforchange.net/publications/528> (last accessed May 8, 2012).28.

**Benton-Franklin County Parent Support Project:** The BFJJC’s goal for this project was to build a base of volunteer “parent partners” who would help system involved families navigate their ways through the juvenile court and mental health systems. Since the completion of the Models for Change grant, the Regional Services Network representatives and parent support partners are consistently present each Wednesday and Thursday in the court lobby before the criminal docket.

## JUVENILES AS ADULTS

**Declines to Adult Court:** Generally, juvenile courts have jurisdiction over youth who are charged with a crime when they are under 18 years old. Washington law allows prosecutors to petition to transfer a youth to be charged as an adult if the circumstances call for it.<sup>7</sup> However, since 1994, youth charged with certain serious felonies are automatically “declined” into the jurisdiction of adult court.<sup>8</sup> Since implementation, around 1,300 Washington youth have been automatically declined, and RED is a persistent issue for all youth declines. Adult convictions for White youth decreased by 20 percent between 2007 and 2011, while convictions for Black youth increased by 18 percent during the same time.<sup>9</sup> The percentage of convictions for Hispanic youth increased over 120 percent between 2007 and 2011 (partially attributable to better data collection).<sup>10</sup> This sentencing structure is problematic in complying with the growing recognition of the differences in brain development between juvenile and adult defendants.<sup>11</sup> In some cases, youth charged as adults face sentences that amount to life without parole.<sup>12</sup>

**Study of Juvenile Decline of Jurisdiction to Adult Criminal Court:** The WA State Institute for Public Policy (WSIPP) received a Federal JJDP Act Title II Formula Grant to update and extend a 2003 recidivism study. WSIPP published the results of the study in December 2013 in a report available online.<sup>13</sup>

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<sup>7</sup> RCW 13.40.110.

<sup>8</sup> RCW 13.04.030.

<sup>9</sup> Keri-Anne Jetzer, *Juveniles Sentenced as Adults and Juvenile Decline Hearings*, WASH. ST. OFF. OF FISCAL MGMT., Oct. 2013, available at <http://www.ofm.wa.gov/researchbriefs/2013/brief072.pdf> (last accessed May 8, 2014).

<sup>10</sup> *Id.*

<sup>11</sup> See, *Roper v. Simmons*, 543 U.S. 551 (2005); *Graham v. Florida*, 560 U.S. 48 (2010); *Miller v. Alabama*, 132 S. Ct. 2455 (2012).

<sup>12</sup> A 16-year old juvenile was resentedenced in March 2014 in Lewis County to 92 years in prison, for a crime in which no one was injured. See Sharyn L. Decker, “Do-Over” on Drive-By Shooting Sentence Yields no Change for Centralian, Lewis County Sirens, Mar. 3, 2014, <http://www.lewiscountysirens.com/?p=24028> (last accessed May 8, 2014).

<sup>13</sup> Elizabeth Drake, *The Effectiveness of Declining Juvenile Court Jurisdiction of Youth*, WASH. ST. INST. FOR PUB. POL’Y, Dec. 2013, available at [http://www.wsipp.wa.gov/ReportFile/1544/Wsipp\\_The-Effectiveness-of-Declining-Juvenile-Court-Jurisdiction-of-Youth\\_Final-Report.pdf](http://www.wsipp.wa.gov/ReportFile/1544/Wsipp_The-Effectiveness-of-Declining-Juvenile-Court-Jurisdiction-of-Youth_Final-Report.pdf) (last accessed May 15, 2014).

**20 Year Review:** Governor Inslee signed SB 5064 into law in March, 2014, providing juvenile offenders a review for release after serving 20 years of their sentence.<sup>14</sup> This change in the law offers juveniles serving life in prison as well as "functional life in prison," a chance to be released. This was an important step in recognizing the capacity for rehabilitation among youth who have been given lengthy sentences, and are disproportionately youth of color.

## **INTEGRITY & QUALITY OF THE SYSTEM**

**Juvenile Indigent Defense:** All youth in our juvenile justice system deserve high quality representation and advice from attorneys who understand their risks and needs.

- **Training:** Since the onset of Models for Change, the amount of free training opportunities for juvenile defenders has more than tripled and there is now a dedicated training track for juvenile defenders at the annual Washington Defenders Association (WDA) conference.
- **Listserv:** Use of the WDA hosted juvenile offender listserv for short-term technical assistance and case consultation, supported by the TeamChild Special Counsel, continues to increase. Requests are being made from all 32 judicial districts in Washington.
- **Leadership Summits:** Annual Juvenile Defense Leadership Summits, which did not exist prior to Models for Change, will continue to be facilitated by TeamChild in 2014 and beyond. These summits appear to be contributing to overall improvements in the quality of juvenile defense across the state, as well as strengthening the role of defenders in ongoing juvenile justice reform efforts.
- **Performance Standards:** Minimum qualifications and performance standards for defenders have been adopted by the Washington Supreme Court, and TeamChild is continuing to assist in efforts to ensure that private juvenile defender contracts comply with these requirements.
- **Attorney Consultation:** Due at least in part to TeamChild's advocacy efforts, juveniles charged with criminal offenses in Washington State are no longer allowed to plead guilty without first consulting with an attorney. However, in

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<sup>14</sup> See SB 5064 - 2013-14, <http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5064> (last accessed May 8, 2014).

a few remaining jurisdictions, some juveniles may appear at their initial appearance hearings (e.g., after being detained) without counsel. TeamChild supported a pilot project in Yakima County to change this practice and, as a result, all youth at initial appearance hearings in Yakima have counsel. TeamChild reports that this change resulted in shorter detention stays for youth and no adverse impacts on public safety.

- **Shackling:** Shackling of juveniles is a controversial issue to say the least. Many studies indicate the harmful effects this can cause for juveniles going through the court process.<sup>15</sup> Counties and courts have inconsistent policies on the use of shackling, even for low-level or status offenses. This inconsistency has led to calls for a rule change that would dictate consistent standards. Stakeholders, judges, and incarcerated youth have actively expressed their disapproval of the stigmatizing practice of shackling.<sup>16</sup> Meaningful reform should recognize the real harm caused by this practice, and should envision alternative methods of addressing safety concerns.

#### **Training for Other Juvenile Justice Staff Members:**

- **Motivational Interview Training, Clark County Juvenile Court:** Detention officers and probation counselors received training in motivational interviewing.
- **Conference Co-Sponsorship, Juvenile Court Workers of Washington:** Employees in juvenile courts attended training with Casey Jackson to enhance their understanding of motivational interviewing techniques.
- **Girls Circle Training, Snohomish County Juvenile Court:** Two staff members attended a Girls Circle Facilitator training in Santa Rosa, CA where they learned about gender-specific programming. Girls Circle is a promising practice and is research-based.

#### **TRUANCY REFORM**

Reforms in the area of truancy reflect conflicting views on the appropriate role of courts in combatting school absenteeism. Washington allows courts to detain truant youth for violation of court orders, although not all other states do. When detained,

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<sup>15</sup> See, e.g., Kim M. McLaurin, *Children in Chains: Indiscriminate Shackling of Juveniles*, 38 WASH. U. J.L. & POL'Y 213 (2012).

<sup>16</sup> See *Comments for JuCR 1.6 - Physical Restraints in the Courtroom*, WASH. CTS. [http://www.courts.wa.gov/court\\_rules/?fa=court\\_rules.commentDisplay&ruleId=348](http://www.courts.wa.gov/court_rules/?fa=court_rules.commentDisplay&ruleId=348) (last accessed May 15, 2014).

children are exposed to safety risks, re-offense rates increase, school engagement and success are diminished, and family, social, and emotional problems are exacerbated.<sup>17</sup> As a result, current status offense reforms are focused on providing strategies to safely and effectively divert non-delinquent youth away from the formal juvenile justice system. Under RCW 28A.225.035 the court may refer the case to a community truancy board under the jurisdiction of the juvenile court.

**Clark County Truancy Project:** This project is a community-based alternative that has been implemented to address attendance problems before they reach the juvenile court. Under the program, parents and students attend an ongoing workshop with school officials. The workshop is meant to both help families understand their legal obligations and to connect them to appropriate resources. The CCTP uses individualized case management, a youth and parent workshop, and a community truancy board, to reduce the number of youth formally processed. A study of 788 youth (mainly from Vancouver and Evergreen School Districts), included participants that were 88% White, 18% Hispanic, and 7% Black. Other participants included Asian (3.9%) and American Indian/Alaskan Native (1.1%). There were promising results for some youth: 44% of CCTP participants had positive outcomes (returned to school or earned diploma/GED), and youth who participated in the program were less likely to have charges after their truancy petition filing than youth who did not participate. However, 21% of participants had negative outcomes following the program (no change/referred back to school district). Further, Black and Hispanic youth fared slightly poorer than White youth in achieving positive outcomes through the CCTP.

### **Alternatives to Formal Processing & Secure Confinement (AFP)**

The goal of the AFP TAI is to find alternative tools to address truancy, other than entering youth into the court system. Several Washington counties implemented truancy projects funded by Models for Change. Based on these pilot efforts, Clark County is likely to experience 81 additional graduates based on 29.5% of project participants likely graduating, an increase of 14.5% over the state average; King County is likely to experience 147 additional graduates, based on 24% of project participants likely graduating, an increase of 9% over the state average; and, Spokane County is likely to experience 71 additional graduates, based on 69.7% of

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<sup>17</sup> Jodi Martin & George Yeannakis, *DSO v VCO*, TEAMCHILD, Oct. 7, 2013, available at <http://www.ccyj.org/uploads/Fact%20sheet/DSO%20v%20VCO10.07.13.3pm.pdf> (last accessed May 8, 2014).

project participants likely graduating, an increase of nearly 55% over the state average.<sup>18</sup>

**Benton-Franklin Counties:** The two counties implemented various strategies for reducing formal truancy filings in their region.<sup>19</sup> Highlights include:

- **The Passing Zone:** Implemented at Kennewick High School in Benton County, Passing Zone sought to prevent truant behavior by bettering student grades. The program provided a certified teacher, a teacher's assistant, and a juvenile court truancy counselor to work with truant youth in the 9th and 10th grades. Between February 2010 and June 2012, 103 youth participated in the project, and displayed a 30% reduction in "F" grades. Youth who chose to participate had favorable grade and truancy outcomes compared to those who did not participate. This program was not sustained past June 2012.
- **Fast Forward Call Center:** Designed to re-engage youth who have dropped out of school, this project utilizes a centralized center to receive calls from students or parents. The call center offers assessments and case management services, and also partners with community organizations, agencies, and public schools to identify and pursue youth who have dropped out. A representative will generally see the youth within 48 hours of calling to establish an education plan. Between July 2010 and March 2013, the Fast Forward Call Center fielded 248 calls, and 127 youth completed the required paperwork to return to school. 57% of applicants were White, 37% Latino, and 4% African American, and 108 of those youth (90%) were placed back into high school or into a GED program.
- **AVENTA (Chiawana High School Student Success Program):** The juvenile court and Chiawana High School implemented the AVENTA program, a credit retrieval initiative in September 2012. Through June 7, 2013, 39 students were invited to access the program; of these, 37 accepted, and seven students were dropped from the program prior to completion. For the youth that participated, there were promising results.<sup>20</sup> After the juvenile court

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<sup>18</sup> *Washington State's Models for Change Truancy Interventions: A Cost Benefit Analysis*, NATIONAL CENTER FOR SCHOOL ENGAGEMENT, Aug. 2013, available at <http://www.ccyj.org/uploads/MfC%20Products/NCSE.WA%20Cost%20Benefit.pdf> (last accessed May 8, 2014).

<sup>19</sup> Andrew Wachter et al., *2013 Washington State Targeted Areas of Improvement & Strategic Opportunity for Technical Assistance Data Inventory*, *supra* note 6.

<sup>20</sup> 21 students completed 29 courses, earning 14.5 credits (as of 7/3/13, the last day of summer school, an additional 12 students completed 13 courses, earning 6.5 credits. 15 students remained enrolled in the program with completion dates through October 2013.

expanded its support and training efforts, including the implementation of the AVENTA program), filings dropped nearly 60% to 38 between 9/2012 and 2/2013.

- **New Horizons:** The New Horizons High School Extended Day Academy in Franklin County provides a point of reentry for dropouts, youth transitioning from JRA, those on suspension or expulsion, and those looking for credit retrieval. Along with offering a GED route, a credit retrieval route uses an online learning environment combined with an onsite mentor to assist students with their work. New Horizons retained 18 chronic truant/dropout students in 2010, and continued to meet this goal during the 2011/2012 school year.

**King County:** King County has taken several steps to limit the need for truancy proceedings. They include the following:

- **PathNet:** This voluntary program works to prevent at risk youth from dropping out of school and to re-engage youth who have already dropped out. A Connections Counselor places participants in one of three different educational tracks (GED, GEDplus, or High School)<sup>21</sup> based on the youth's goals. The Vera Institute of Justice conducted a series of reports on PathNet's outcomes between 2010 and 2012.<sup>22</sup> Racial and ethnic minorities were disproportionately represented (African American (43%), Hispanic (25%) and Caucasian (22%)). Many youth were below grade level in reading and math, had special educational needs, had involvement with child welfare, and had a high risk of reoffending. Selected results include the fact that 43% of youth enrolled in the GED or GEDplus track (81) earned a GED during the pilot phase. An additional 15% of youth in either track (29) passed more than half of the five tests necessary to earn a GED during the pilot phase. In the six months after enrollment in PathNet, nearly 80% of pilot participants had no new referrals to the prosecutor's office for new offenses, while 20% experienced one or more referrals. After 12 months of tracking, 68 youth (43%) had been re-referred to the prosecutor's office, as compared to the 20% after six months.

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<sup>21</sup> 78 youth were placed in the GED track, 112 in the GEDplus track, and the remaining 21 youth were placed in the high school track.

<sup>22</sup> *A Pilot Phase Analysis of King County, Washington's PathNet Program: Years 1 and 2 Combined*, THE VERA INST. OF JUST., Mar. 2013, available at <http://www.modelsforchange.net/publications/465> (last accessed May 8, 2014).

- **Youth REACH (Re-engaging in Education through Action and Coordinated Help):** Youth REACH was developed in 2009 as a collaboration between the King County Prosecuting Attorney’s Office and the Washington State Becca Task Force as a way to re-engage youth in school and avoid formal processing for truant behavior. However, while some elements of the Youth REACH model are still in use across King County, the Youth REACH program is no longer operational. There were three tiers of interventions based on individual history. The first tier included truancy workshops; the second tier, community truancy boards; and the third, case management if needed. White/Caucasian and Latino/Hispanic youth were the largest populations consistently across all Tiers. African American participation was much higher in Tier 3 than in the other two tiers. The results of the program were mixed: youth in Tiers 1 and 2 experienced slightly higher unexcused absence rates when comparing their rates before and after program participation, but absence rates for youth in Tier 3 decreased slightly during the study period.

**Spokane County, West Valley School District Community Truancy Board:** The truancy board assists referred youth and their families by collaborating with the school, court, and community based services to address each student’s barriers to education, and re-engage them in school. Outcome analyses compared students from West Valley School District (WVSD) to youth from separate groups, showing positive trends.<sup>23</sup> Another positive outcome was the creation of the Spokane County Toolkit for Community Truancy Board Replication, which has been used to replicate other such boards in Spokane County.

**Becca Conference, CCYJ:** The 2013 Becca conference focused on racial disparities and restorative justice approaches to truancy. The conference was hosted by Clark County.

### III. FUNDING SOURCES

There are many stakeholders in the effort to reduce RED, and funding comes from a wide variety of public, private, non-profit, and community sources. The type of funding provided can have important implications for the continuity, purpose, and parameters of each project. Along with the typical sources for project funding, there

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<sup>23</sup> Truant students attending WVSD had a higher rate of graduation or earning a GED (52%) and lower drop out and transfer rates (28% and 20% respectively) when compared to other groups. They also were more likely than students in comparison districts to graduate or earn a GED (44% compared to 35%). Both analyses indicated better outcomes for truant youth attending WVSD, and therefore had access to the WVCTB, compared to those attending other districts.

have been several larger grant programs facilitating change in Washington. These sources include:

**Models for Change Initiative, The John D. and Catherine T. MacArthur**

**Foundation:** Since 2005, The MacArthur Foundation has supported Washington State programs focused on improving the juvenile justice system. The Targeted Areas of Improvement (TAI) identified in Washington were expanding alternatives to formal processing (Benton-Franklin, Clark, King, and Spokane); reducing racial and ethnic disparities (Benton-Franklin and Pierce); improving mental health responses (Benton-Franklin and King); enhancing multi-system coordination and collaboration (Clark, Pierce, and Spokane); and improving juvenile indigent defense. In April 2014, Models for Change released the final data inventory report documenting progress and outcomes from the initiative.<sup>24</sup> The report also accounts for which models have been sustained, as many could not survive without Models for Change funding. Racial and ethnic data was not tracked throughout all programs, which could hide further disparity in outcomes. Brief summaries of the various Washington Models for Change projects are described throughout this report, and are organized according to their relevant issue areas.

**Annie E. Casey Juvenile Detention Alternatives Initiative (JDAI):** The purpose of JDAI is to seek routes other than detention for youth, and is based on eight core strategies, including reducing racial disparities. Since 2004, The Annie E. Casey JDAI has funded efforts to improve the juvenile justice system and reduce DMC in Washington State. There are nine locations in ten counties receiving JDAI funding and technical assistance,<sup>25</sup> with juvenile courts that replicate JDAI strategies serving approximately 72% of Washington's at-risk youth age 10-17. In 2009, WSCCR conducted an outcomes analysis measuring the initiative's effectiveness.<sup>26</sup> Selected statewide accomplishments included: reduction of the overall number of minority youth in juvenile detention; no increase in youth committing more violent crimes; reduction in detention through the increase in alternative options for youth; and the implementation of detention screening criteria called the Detention Risk

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<sup>24</sup> Wachter et al., *2013 Washington State Targeted Areas of Improvement & Strategic Opportunity for Technical Assistance Data Inventory*, *supra* note 6 at 10.

<sup>25</sup> The current recipients of JDAI funds are Adams County, Clark County, Benton-Franklin Counties, King County, Mason County, Pierce County, Spokane County, Skagit County, and Whatcom County. JDAI funds are administered through the Washington State Partnership Council for Juvenile Justice (WA-PCJJ). See WA-PCJJ, *JDAI Fact Sheet*, available at <http://www.dshs.wa.gov/ojj/jdai.shtml> (last accessed May 8, 2014).

<sup>26</sup> Edward Valachovic, *Juvenile Detention Alternatives Initiative Data Analysis: Analysis of Outcomes*, WASH. ST. CTR. FOR CT. RES., Feb. 2009, available at [http://www.courts.wa.gov/wscrr/docs/JDAI\\_Analysis\\_of\\_Outcomes%20Fin.pdf](http://www.courts.wa.gov/wscrr/docs/JDAI_Analysis_of_Outcomes%20Fin.pdf) (last accessed May 8, 2014).

Assessment (DRA – pronounced “dee-ray”) which helps determine the necessity of placement of youth in detention. However, there was no noticeable impact on reducing RED when compared with non-JDAI funded counties. Since then, efforts to expand JDAI have continued in our state. Thirteen local and state juvenile justice leaders attended training in August 2013 to develop a steering committee, resources, and infrastructure plan. Prior to this training, representatives from the Administrative Office of the Courts and the Washington Association of Juvenile Court Administrators met with Office of Juvenile Justice staff and the JDAI Statewide Coordinator to form a stakeholder group and to begin discussions of statewide expansion. During this expansion, reducing RED should be the highest priority area for the steering committee.

**Federal Juvenile Justice and Delinquency Prevention (JJDP) Act Title II**

**Formula Grants Program:** The JJDP Act provides a block grant program to states, based on their juvenile population under the age of 18.<sup>27</sup> Title II grants were distributed to noteworthy projects, which focused on RED, system improvement, reentry/aftercare, and American Indian pass through.

**Federal JJDP Act Title V Community Prevention Grants Program:** In 2012, King County and Yakima County received 20-month Title V grant awards for programs ending on December 31, 2013, to address RED through delinquency and/or gang prevention. There were no Title V allocations made available for states to apply for in federal fiscal years 2012 or 2013.<sup>28</sup>

**Criminal Street Gang Prevention and Intervention Grant Program:** The 2013 Washington State Legislature provided funding for selected communities to assist in implementing the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) Comprehensive Gang Model. Three projects were selected in helping youth avoid gang membership and criminal behavior in general.

These funding sources (and all others as well) provided the means to implement meaningful reform projects with the goals of reducing RED. However, many projects could not be sustained after the grants ran out, and new projects will not develop without new sources of funding.

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<sup>27</sup> See *Executive Summary, 2013 Annual Report*, OFFICE OF JUVENILE JUST., 2013, available at <http://www.dshs.wa.gov/pdf/ojj/2013AnnualReport/ExecutiveSummary.pdf> (last accessed May 15, 2014).

<sup>28</sup> See *id.*

## IV. UNDERSTANDING THE ISSUES

While seeing a concrete program in place is a tangible measure of progress, increased awareness and understanding of RED and juvenile justice is progress in itself. By better understanding the issues, stakeholders can identify root causes, research solutions, and eventually develop and implement policy. Thus, while difficult to see, reform may be starting to occur through the formation of workgroups, conferences, and innovative educational opportunities.

**Washington State Bar Association (WSBA):** The WSBA was tasked with providing training to bar leaders and attorneys to create awareness of disparities for youth in the juvenile and criminal justice systems. As part of this effort, the WSBA implemented and sponsored a 2013 conference entitled *The Pursuit of Justice: Understanding Hatred, Confronting Intolerance, and Eliminating Inequality* at Gonzaga University School of Law.

**King County Equity and Social Justice:** King County's strategic plan and “fair and just” ordinance are commitments toward our low-income communities, people of color, and LEP populations. The County works to apply equity tools to policy, organizational practices, and community engagement. Recent developments are highlighted in a 2013 report.<sup>29</sup>

**City of Seattle, Race and Social Justice Initiative (RSJI):** As is summarized in a three-year plan,<sup>30</sup> the Initiative works within City government and with community leaders to get to the root cause of racial inequity: institutional racism. RSJI is led by the Seattle Office of Civil Rights and an interdepartmental team of City staff. In November 2013 the Initiative conducted a survey of community satisfaction with city services and neighborhood quality, feelings about the state of racial justice in the city, and the role of government in addressing racial inequities.<sup>31</sup>

**Law Schools:** Each of the three law schools in Washington State has joined the conversation on juvenile justice reform.

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<sup>29</sup> *Equity and Social Justice Annual Report*, KING COUNTY, October 2013, available at [http://www.kingcounty.gov/exec/WorkInAction/~media/exec/equity/documents/EquityReport2013.ashx](http://www.kingcounty.gov/exec/WorkInAction/~/media/exec/equity/documents/EquityReport2013.ashx) (last accessed May 8, 2014).

<sup>30</sup> Race and Social Justice Initiative, *Racial Equity in Seattle*, CITY OF SEATTLE, 2012, available at <http://www.seattle.gov/Documents/Departments/RSJI/RacialEquityinSeattleReport2012-14.pdf> (last accessed May 8, 2014).

<sup>31</sup> Race and Social Justice Initiative, *Racial Equity Community Survey*, CITY OF SEATTLE, March 2014, available at <http://www.seattle.gov/Documents/Departments/RSJI/2013-Community-Survey-RSJI.pdf> (last accessed May 8, 2014).

- **Seattle University:** The Access to Justice Institute has developed and implemented a program focused on connecting its students to service opportunities with other organizations. The Korematsu Center is continuing its work on disproportionality issues.
- **University of Washington:** The University of Washington School of Law sustains several relevant clinics, including the Race & Justice Clinic, focusing on disproportionate minority contact of juveniles. The University of Washington School of Law has also developed faculty workshops addressing how to discuss race and disproportionality in the classroom, as well as student orientations that include discussions about race and diversity issues.
- **Gonzaga University:** The School of Law, with support of local law enforcement, is involved with the Smart Justice Spokane movement, which is focused on alternatives to incarceration and detention.<sup>32</sup>

## V. DATA COLLECTION

When the reform process is driven by data, discussions about racial and ethnic disparities at specific stages in the juvenile justice system are grounded in facts. This focus on reality centers the dialogue on real problems and solutions. Statewide Relative Rate Indices (RRI) data on juvenile justice system decision points is now available online, and a University of Washington study has further added qualitative data to the picture as well.

- **WA State Center for Court Research (WSCCR):** The WSCCR is the research arm of the Administrative Office of the Courts (AOC). It was established in 2004 to serve all participants in the judicial process by facilitating better understanding of the courts, helping to guide judicial policy, and improving the overall functioning of our judicial system.<sup>33</sup> The AOC houses all judicial records, and it conducts data cleaning as well. External parties can request data for use in their own research and analysis. In the future, the WSCCR intends to work with these third parties to release reports collaboratively and reduce the potential for confusion. The first release of racial and ethnic disproportionality data for the juvenile justice system occurred in 2012 and is described below.

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<sup>32</sup> See *Announcing “Smart Justice” for Spokane*, CTR. FOR JUST., Sept. 13, 2012 available at <http://www.cforjustice.org/2012/09/13/announcing-smart-justice-for-spokane/> (last accessed May 15, 2014).

<sup>33</sup> *Washington State Center for Court Research*, Washington Courts, available at <https://www.courts.wa.gov/wscrr/> (last accessed May 9, 2014).

- **Statewide Relative Rate Indices (RRI) Data:** In December 2012, the Washington Supreme Court’s Minority and Justice Commission, National Council on Juvenile Justice, and WSCCR released a workbook on RED statistics in juvenile courts. Scheduled to be updated regularly, the workbook currently houses data from 2007 through 2011, and is available online.<sup>34</sup> Data for 2012 and 2013 is expected to be released at the end of 2014. The workbook shows data across ten decision points for the State of Washington and all of its juvenile courts, as statistical information designed to inform key decision makers on areas for improvement. The workbook is designed for local usage in that it disaggregates RED indicator data by county across the state, allowing courts to identify decision points that may uniquely affect their jurisdiction. It is unsurprising that the numbers continually show disproportionality for racial and ethnic minorities.

A key limitation in the data comes from the fact that law enforcement does not track ethnicity. There are two reasons for this. First, it is not collected by the database that police officers and sheriffs use, and second, it may not be appropriate or constructive for law enforcement to question suspects about their race during an arrest. As a consequence, no RRIs are calculated for Hispanic/Latino youth. Without the option to identify youth as Hispanic or Latino, these youth are most often miscategorized as “White.” The resulting inflation of the White population numbers likely results in an underestimation of the actual values of the arrest RRI numbers for all of the non-white populations. Thus, RED in our state is probably worse than the data actually indicates.

Similar problems occur at other data collection points as well. Court clerks enter demographic info about juveniles when they are referred to court, but the court clerk may not be the same person who gathered the information. Thus, court clerks may enter race data based on observations that police wrote into police reports, or intakes conducted by prosecutors or other judicial officers. The accuracy of this racial identification information may vary based on who is providing it (self identification vs. court identification), and how the data collector has been trained to elicit that information. For example, probation officers conduct risk assessments with all juveniles on probation and may be better trained to assess race. Furthermore, there are

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<sup>34</sup> Charles Puzzanchera et al., *Washington DMC Databook: 2005-2012*, WASH. ST. CTR. FOR CT. RES., 2012, available at <http://www.courts.wa.gov/wscrr/?fa=ccr.dmc> (last accessed May 8, 2014).

four different data systems that the courts enter information into, and options for race and ethnicity vary among them. Mixed race and Latino/a youth are particularly difficult to categorize within these systems. Changing these data systems to allow more choices for race and ethnicity is a critical step toward greater data accuracy, and will require changing the software used by the courts. An internal request by the WSCCR to modify these categories has been approved, but no changes have yet been implemented.

- **Washington State Disproportionate Minority Contact Assessment:** In January 2013, the WA-PCJJ released the Washington State DMC Assessment, conducted by the University of Washington, Division of Public Behavioral Health and Justice Policy.<sup>35</sup> The assessment uses data from the WSCCR to cover disproportionality at key points in the juvenile justice system, and it also provides qualitative information obtained during stakeholder interviews at the county level.<sup>36</sup>

The full report includes findings that: (1) the data quality for race/ethnicity was poor in many jurisdictions for many reasons, including data reporting systems limitations and confusing definitions; (2) cumulative disproportionality increases throughout the stages of justice system involvement with the highest levels of disproportionality concentrated in the most serious decision points, but, incremental disproportionality (occurring between specific decision points) was highest at the front end of the system, and at arrest; (3) interviewees provided a wide variety of possible reasons for RED, ranging from multi-systemic contextual factors like poverty and socioeconomic correlates, institutionalized racism and conscious or unconscious bias, policies and procedures, access to services and support, gangs, and many other explanations. Most people interviewed believed that RED was the result of not one but several interacting, amplifying factors.

The report also contained the following recommendations: (1) increase the number of jurisdictions that understand RED; (2) verify the reliability of data on race/ethnicity; (3) work to increase buy-in and ownership across all stakeholders; (4) build cross-system coalitions within each jurisdiction to address RED reduction; (5) involve communities of color and tribes in the functioning of the justice system; (6) implement and sustain changes that

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<sup>35</sup> Michael D. Pullman et al., *Washington State Disproportionate Minority Contact Assessment*, WASH. ST. P'SHIP COUNCIL ON JUVENILE JUST., January 2013, available at [http://www.dshs.wa.gov/pdf/ojj/DMC/DMC\\_Final\\_Report\\_2013.pdf](http://www.dshs.wa.gov/pdf/ojj/DMC/DMC_Final_Report_2013.pdf) (last accessed May 8, 2014).

<sup>36</sup> The report contains quantitative and qualitative information from Adams, Benton/Franklin, King, Mason, Pierce, Spokane, Skagit, Whatcom, Clark, Kitsap, Thurston, and Yakima Counties.

reduce disproportionality and support minority-serving evidence-based programs; and (7) strengthen and coordinate statewide leadership on RED reduction. With this assessment as a starting point, the WA-PCJJ plans to work to address the findings and implement the recommendations.

- **Benton-Franklin Counties Data Warehouse:** The data warehouse provides key indicator reports on detention stays that can be broken down into racial and ethnic statistics. The hope is that this will facilitate better awareness of RED in Benton-Franklin counties, and foster positive solutions.
- **Reference Cards:** Benton/Franklin and Clark Counties have trained staff on the importance of collecting good quality data on racial and ethnic categories, and provided staff with reference cards indicating race and ethnicity categories that are permitted for each data system.
- **School Discipline:** Data is increasingly available on school suspensions and expulsions. There is significant RED present in our schools' discipline practices, which will be covered *infra* under Education.

In Conclusion, data collection has improved significantly in the past few years, and is integral to the process of finding solutions. However, there are still critical improvements that need to be made to ensure the accuracy of this data. Specifically, the consistent and detailed collection of ethnicity across jurisdictions has yet to be achieved, and data must also be disaggregated within racial groups. Court clerks and other court staff may benefit from training on how to collect and enter accurate data on race and ethnicity. Reforms to the data systems themselves would provide those same people with appropriate categories to identify the youth that they encounter. The need to develop consistent, relevant language around non-white identities is a particularly urgent one, and improvements in this area will enable a better understanding of how ethnicity, tribal affiliation, country of origin, and mixed race categories fit into RED. Quality assurance processes are also an important mechanism for maintaining reliable data.

Finally, the availability of this data is just the first step, and state/local decision makers must find effective ways to act on this information in order to reduce RED in their jurisdictions. Continued and consistent publication of RED data must be accompanied by opportunities to discuss it so that stakeholders understand what it means and are motivated and empowered to act on it.

## VI. RELATED SYSTEMS

Often, there are many factors that contribute to a juvenile becoming involved in the justice system. For example, the risk of juvenile justice system involvement may increase or decrease depending on a young person's experiences with the education and child welfare systems. Thus, innovations and reforms in these related systemic areas affect the outcomes of system-involved youth. Various efforts across Washington seek to improve the quality of those experiences, engage youth with appropriate resources, and ultimately prevent them from entering the justice system or becoming lost within it.

### CHILD WELFARE

**Washington State Racial Disproportionality Advisory Committee:** The committee explores causes of RED and makes recommendations for eliminating it in the child welfare system. In January 2014, the committee released its annual report to the legislature, illustrating new developments and recommendations.<sup>37</sup> Some highlights include developing a race equity analysis tool and an increased focus on disproportionality data.

**YouthCare Services for Homeless Youth:** YouthCare aims to provide as many homeless youth as possible with a coordinated set of services that are appropriate to each individual. YouthCare characterizes its approach as a “continuum of care” which seeks to engage youth in need, stabilize their situations, and ultimately prepare them for better life outcomes through education and employment training. Many of the young people served by these programs have been involved in the foster care system, and others have been involved in the juvenile justice system. YouthCare works with young people in school and juvenile detention to address risk factors such as truancy, lack of stable housing, mental health and chemical dependency issues, and domestic violence.

**Youthcare's Detention Case Management Program:** This program works with young people in juvenile detention to address the barriers they face when reconnecting to the community. YouthCare Care Coordinators also work with students in Seattle's alternative schools, many of whom have been involved in the juvenile justice system or are experiencing challenges that make school attendance difficult. Through Project SAFE, YouthCare also provides clinical phone consultations to parents of youth who are at risk of running away. This resource

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<sup>37</sup> Washington State Racial Disproportionality Advisory Committee, *Racial Disproportionality and Disparity in Washington State*, DEP'T. OF SOC.L AND HEALTH SERVICES, Jan. 1, 2014, available at <http://www.dshs.wa.gov/pdf/ca/RacialDisproLegislativeReport2013.pdf> (last accessed May 8, 2014).

offers parents an alternative to labeling their child an “at-risk youth” through the juvenile justice system.

## **EDUCATION & SCHOOL DISCIPLINE**

**The “School-To-Prison” Pipeline:** School discipline policies are widely recognized as contributing to a “school-to-prison” pipeline, especially for students of color. The increased presence of police in schools, combined with zero tolerance discipline policies, has led to more students being arrested on school premises, and more students referred directly to the juvenile court system.<sup>38</sup> Racial disparities in school discipline are particularly common where students are disciplined for highly subjective behaviors such as excessive noise, loitering, disrespect, or being disruptive.

In a 2012, state-wide report by Washington Appleseed and TeamChild, the authors cite a local study of juvenile offender data that confirms a connection between school discipline and juvenile justice system involvement.<sup>39</sup> According to that 2007 analysis, a majority of juvenile offenders had a history of suspensions and expulsions from school, and two-thirds of high-risk juvenile offenders were “either suspended, expelled or not enrolled in school in the last school term preceding their court involvement.”<sup>40</sup> The study concluded that suspension and expulsion from school are indicators of risk for juvenile court involvement.<sup>41</sup> Although youth have a right to counsel in truancy proceedings, they still do not have a right to counsel for suspension and expulsion decisions.

**Disproportionality:** In 2013, the U.S. Department of Education announced that its Office for Civil Rights was studying whether Seattle schools discriminate against African-American students by disciplining them “more frequently and more harshly than similarly situated white students.”<sup>42</sup> That compliance review is currently active and ongoing. Data collected by the school district itself also indicates problems with

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<sup>38</sup> See Nancy Heitzag, *Education Or Incarceration: Zero Tolerance Policies And The School To Prison Pipeline*, F. ON PUB. POL'Y, 2009, available at <http://forumonpublicpolicy.com/summer09/archivesummer09/heitzeg.pdf>; see also Heather Cobb, *Separate and Unequal: The Disparate Impact of School-Based Referrals to Juvenile Court*, 44 HARV. C.R.-C.L. L. REV. 581 (2009).

<sup>39</sup> *Reclaiming Students*, Wash. Appleseed and Team Child, Nov. 2012, available at [http://media.wix.com/ugd/4569ed\\_e44ccb42cff21777ea479f4125d347df.pdf](http://media.wix.com/ugd/4569ed_e44ccb42cff21777ea479f4125d347df.pdf) (last accessed May 8, 2014) (Printing and distribution of the final report was funded by a Federal JJDP Act Title II Formula Grant).

<sup>40</sup> *Id.* at 14.

<sup>41</sup> *Id.*

<sup>42</sup> Keith Ervin and Katherine Long, *Seattle Schools Seeking an Even Hand at Discipline*, The Seattle Times, Mar. 9, 2013, available at [http://seattletimes.com/html/localnews/2020525453\\_seattledisciplinexml.html](http://seattletimes.com/html/localnews/2020525453_seattledisciplinexml.html) (last accessed May 8, 2014).

disproportionality. For example, the Seattle Times analyzed the district's own data and reported that between 2007 and 2010, African-American students in middle and high school were three times as likely to be disciplined as students of other races.<sup>43</sup>

However, Seattle is not the only school district struggling with disproportionality in school discipline. The Washington Appleseed and TeamChild report shows that “a disproportionate number of students experiencing exclusionary discipline in Washington State were students of color and students living in poverty.”<sup>44</sup> Washington Appleseed's more recent analysis of 2013 data from several school districts indicates that racial disproportionality continues to be a problem. For example, Black and Native American students were more likely to be excluded from school than their White peers in every district studied, including Bellevue, Edmonds, Federal Way, Marysville, Olympia, Seattle, Spokane, Tacoma, and Yakima.

**Federal Guidance:** In January of 2014, the U.S. Department of Education and the U.S. Department of Justice released a school discipline and guidance package, which draws from emerging research and best practices.<sup>45</sup> The guidance package is the result of a collaborative effort between the ED and DOJ called the Supportive School Discipline Initiative (SSDI). The initiative addresses “disciplinary policies and practices that can push students out of school and into the justice system,” and it recognizes that students of color and those with disabilities are disproportionately impacted by suspensions and expulsions. The package contains several components that set forth guiding principles, as well as relevant resources, laws, and regulations that will help schools address student discipline without discriminating against students on the basis of race, color or national origin.<sup>46</sup> Assistant Superintendent for Operations Pegi McEvoy affirmed that the Seattle Public School District will study the federal guidance, and that it will also seek a voluntary resolution to the ongoing investigation into Seattle's disciplinary practices.<sup>47</sup>

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<sup>43</sup> Whitney Stensrud, *Discipline by Ethnic Group*, THE SEATTLE TIMES, Mar. 9, 2013, available at <http://seattletimes.com/ABPub/zoom/html/2020525477.html> (last accessed May 8, 2014).

<sup>44</sup> Michael D. Pullman et al., *Reclaiming Students*, *supra* note 39 at 25.

<sup>45</sup> *Guidance Package*, U.S. DEPT. OF EDUC., available at <http://www2.ed.gov/policy/gen/guid/school-discipline/index.html> (last accessed May 8, 2014).

<sup>46</sup> *U.S. Departments of Education and Justice Release School Discipline Guidance Package to Enhance School Climate and Improve School Discipline Policies/Practices*, U.S. DEPT. OF EDUC., Jan. 8, 2014, available at <http://www.ed.gov/news/press-releases/us-departments-education-and-justice-release-school-discipline-guidance-package-> (last accessed May 8, 2014).

<sup>47</sup> Pegi McEvoy, *Friday Memo for January 10, 2014*, available at [http://www.seattleschools.org/modules/groups/homepagefiles/cms/1583136/File/Departmental%20Content/school%20board/Friday%20Memos/2013-14/Jan%2010/20140110\\_FridayMemo\\_OperationsUpdate.pdf](http://www.seattleschools.org/modules/groups/homepagefiles/cms/1583136/File/Departmental%20Content/school%20board/Friday%20Memos/2013-14/Jan%2010/20140110_FridayMemo_OperationsUpdate.pdf) (last accessed May 8, 2014).

**Local Legislation:** During the 2013 legislative session, Washington passed a new law that mandates reforms to school discipline. ESSB 5946 imposes requirements for the collection of school discipline data, and it restricts the use of discipline by exclusion in certain ways. The law requires that:

- Exclusions from school can no longer be indefinite.
- Emergency expulsions are now required to be converted to another corrective action within 10 school days.
- School districts are now required to make reasonable efforts to assist students returning to school, including hosting re-engagement meetings with students and parents.
- More robust discipline data will now be collected, cross tabulated, disaggregated and made publicly available.
- A discipline task force will be created to develop standard definitions for discretionary disciplinary actions and investigate the provision of educational services during those exclusions.<sup>48</sup>

The Office of Superintendent of Public Instruction (OSPI) has proposed rules for how the new law will be implemented. The public had until May 5, 2014 to comment on those proposed rules.<sup>49</sup>

**School Discipline Programs and Interventions:** Washington schools are using both standard and individualized approaches to improving student conduct and generating appropriate school responses.

- **Positive Behavior Intervention and Supports (PBIS):** The Office of Superintendent of Public Instruction (OSPI) is currently supporting the PBIS model, a research-based strategy that focuses on preventing the need for exclusionary discipline.<sup>50</sup> OSPI has contracted with the non-profit Northwest Positive Behavior Interventions and Supports Network, which will provide professional development and technical assistance as schools across the state implement discipline reforms. Schools in several districts have already begun to use the model.<sup>51</sup>
- **Highline School District:** Highline has implemented PBIS, and has further set a goal of eliminating out of school suspensions by 2015. Highline has

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<sup>48</sup> See *Education Projects*, Washington Appleseed, <http://www.waappleseed.org/#!/school-discipline/c6wu> (last accessed May 8, 2014).

<sup>49</sup> *Id.*

<sup>50</sup> *Positive Behavior and Intervention Supports*, Office of Superintendent of Public Instruction, <https://www.k12.wa.us/StudentSupport/PBIS.aspx> (last accessed May 8, 2014).

<sup>51</sup> See *Exemplar Schools*, NorthWest Positive Behavioral Interventions and Supports Network, <http://www.pbisnetwork.org/exemplar-schools/> (last accessed May 8, 2014).

made substantial progress towards this goal. Between September and February of 2013, the district suspended or expelled 1045 students. During the same period in 2014, only 523 of the district's students were suspended or expelled.<sup>52</sup>

- **Cleveland High School in King County:** The overwhelming majority of students at this school are students of color.<sup>53</sup> Recently, Cleveland partnered with the city of Seattle to build a restorative justice program. The program is still developing, and the discipline data suggests that the results are still inconclusive.
- **Lincoln High School in Walla Walla:** Suspensions at Lincoln High initially dropped 85% when staff members moved to a brain science based school discipline approach that recognizes the effects of trauma and stress on young people's development, rather than emphasizing punishment.<sup>54</sup> That model is still in place, and Lincoln has drastically reduced incidents of school discipline over the last 5 years. Principal Marci Knauff reports that school discipline continues to decline annually, and that compared to the year before there were 50 fewer incidents in 2013-2014 where teachers requested intervention from the principal's office.
- **Seattle School District Advisory Committees:** The Seattle School District created two committees that address school discipline issues, including the reduction of racial disproportionality. The Positive Climate and Discipline Advisory Committee meets monthly and advises the Superintendent. The School District also has an Equity and Race Advisory Committee.
- **Graduation: A Team Effort (GATE):** GATE is an OSPI effort to align dropout prevention, intervention and re-engagement efforts. The initiative provides a centralized source of information and resources for students, parents, and

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<sup>52</sup> *Strategic Plan Update*, Highline Public Schools, March 24, 2014, <http://www.highlineschools.org/site/Default.aspx?PageID=2261> (last accessed May 8, 2014).

<sup>53</sup> *Annual Enrollment Data Table 11-C*, Seattle Public Schools, <http://district.seattleschools.org/modules/groups/homepagefiles/cms/1583136/File/Departmental%20Content/enrollment%20planning/Section%2011%20Enrollment%20Report%202011.pdf> (last accessed May 8, 2014).

<sup>54</sup> Jane E. Stevens, *Lincoln High School in Walla Walla, WA, Tries New Approach to School Discipline- Expulsions Drop 85%*, ACES TOO HIGH NEWS, April 23, 2012, available at <http://acesoothigh.com/2012/04/23/lincoln-high-school-in-walla-walla-wa-tries-new-approach-to-school-discipline-expulsions-drop-85/> (last accessed May 8, 2014); see also *Walla Walla's New Approach to Discipline*, LEAGUE OF EDUCATION VOTERS, <http://educationvoters.org/advocacy-agenda/k-12/transforming-school-discipline/walla-wallas-new-approach-to-discipline/> (last accessed May 8, 2014).

educators. GATE focuses on the whole youth, recognizing the value of student, family, and community engagement.

- **Comprehensive Education Data and Research System (CEDARS) Reporting Manual:** CEDARS is a longitudinal data system managed by OSPI to collect, store and report data related to students, courses, and teachers in order to meet state and federal reporting requirements, and to help educators and policy makers to make data driven decisions. It is now available on the OSPI website.<sup>55</sup>
- **Pierce County Collaborative Agreement:** The Pierce County Prosecutor's Office, in a collaborative effort with Pierce County schools, recently reached an agreement that school yard fights will no longer be referred to the courts for prosecution.

**School Resource Officers:** School Resource Officers are in place in many of Washington's public schools. The OSPI is advised by the School Safety Advisory Committee, which supports School Resource Officers and recommends that they be adequately funded.<sup>56</sup> The impact of this school safety strategy on RED is controversial. As the WA State Disproportionate Minority Contact Assessment indicates, some stakeholders see the presence of SROs in schools as an opportunity to build positive relationships with youth of color.<sup>57</sup> Others believe that placing police officers in schools increases the number of referrals to the justice system, often for interpersonal conflicts or disruptive but not dangerous behavior that would otherwise be handled by school staff.<sup>58</sup> Research in other states has found that the presence of law enforcement increases the number of school referrals to law enforcement or the juvenile justice system.<sup>59</sup>

**Academic and Youth Empowerment Interventions:** Several community organizations have created programs to empower youth of color, bolster their academic achievements, and protect them from the patterns of school

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<sup>55</sup> *Comprehensive Education Data and Research System (Cedars)*, Office of the Superintendent of Public Instruction, <http://www.k12.wa.us/CEDARS/manuals.aspx> (last accessed May 8, 2014).

<sup>56</sup> *School Safety Talking Points*, Office of the Superintendent of Public Instruction, available at <http://www.k12.wa.us/SafetyCenter/pubdocs/2013FebAdvisoryMeeting/SchoolSafetyTalkingPoints.pdf> (last accessed May 8, 2014).

<sup>57</sup> *Washington State Disproportionate Minority Contact Assessment*, *supra* note 35 at 60.

<sup>58</sup> *Id.* at 90; see also *Education Under Arrest: The Case Against Police in Schools*, Executive Summary, THE JUST. POL'Y INST. at 3, available at [http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrest\\_executivesummary.pdf](http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrest_executivesummary.pdf) (last accessed May 8, 2014).

<sup>59</sup> *Id.* at 4.

disengagement and over involvement in the juvenile justice system that are described above.

- **The Rainier Scholars program in King County:** Rainier Scholars addresses disparities in opportunity by providing around 60 students of color each year with an intensive, long-term academic support program that prepares them for college and leadership roles.<sup>60</sup>
- **Lakeside Educational Enrichment Program (L.E.E.P.):** The L.E.E.P. program provides summer programming for diverse students in the Seattle metropolitan area as they transition from middle to high school.

**Early Childhood Interventions/Infant Mental Health:** On January 1, 2014, two of Washington’s early learning organizations merged, forming a public-private partnership that will serve young children and their families state-wide. Thrive by Five Washington and the Foundation for Early Learning now have an annual budget of \$16 million that will be used to deliver comprehensive, high quality early learning opportunities to children and families across Washington. This partnership builds on brain science that demonstrates the importance of nurturing experiences during a child’s first several years, and the benefits of healthy early experiences on school readiness, and better life outcomes. “Research shows that for every dollar invested in high-quality preschool programs, at least \$7 is saved in future costs related to social services, remedial education, public safety and juvenile justice.”<sup>61</sup>

## MULTISYSTEM COLLABORATION

Data consistently shows a high level of overlap between youth who are involved in the juvenile justice system, and youth in the child welfare system. This is particularly relevant for youth of color, since they are overrepresented in both. As this realization has emerged, more attention has been paid to coordinating these separate but related systems so that they can work together to better serve youth.

**Doorways to Delinquency Research:** This study examined the prevalence of cross-system (juvenile justice and child welfare) involvement among youth who were referred on offender (delinquency) matters to the King County Juvenile Court during calendar year 2006. The key findings from this study identified heavy cross-system involvement among youth, especially for youth of color.

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<sup>60</sup> See [http://rainierscholars.org/the\\_program.html](http://rainierscholars.org/the_program.html) (last accessed May 8, 2014).

<sup>61</sup> *Why Early Learning?*, Thrive by Five Washington, available at <http://thrivebyfivewa.org/why-early-learning/> (last accessed May 8, 2014).

**Uniting for Youth (UfY):** King County implemented UfY to bring youth-serving organizations closer in information sharing and collaboration. An evaluation survey was conducted showing progress in increasing resource awareness for those served, and collaboration between the serving organizations. These findings were documented in a full 2012 report.<sup>62</sup>

**King County Guide for Resource Sharing:** The original King County Resource Guide: Information Sharing was revised in March 2013, expanding the prior version to include information sharing between the mental health and substance abuse treatment systems and other child-serving agencies.

**Benton-Franklin Cross-systems training:** The Mental Health Workgroup in Benton-Franklin Counties initiated several efforts to improve mental health services for justice system involved and at risk youth. Cross Systems Trainings were intended to improve cross-system collaboration. They included “Systems Summits,” provided in 2010 and 2011 that, for the first time, brought many schools, local service providers, youth, probation staff, faith based organizations, and others together to develop collaborative methods for improving mental health service access, engagement, and retention.

**Clark County Information Sharing Guide:** Local stakeholders came together to clarify agency roles relating to information sharing and confidentiality for children and youth in contact with multiple systems. The guide contains best practices and guidelines to help organizations function in harmony.

**Clark County Cross-System Training:** On May 3, 2012, the Clark County Juvenile Justice Center facilitated an initial training to support use of the Information Sharing Guide with relevant agencies. In addition, agency-specific trainings were offered to the Children’s Administration and the Juvenile Court.

**American Indian Pass-Through:** The American Indian Pass-Through funded the WA State Indian Child Welfare Conference on Early Identification of Indian Children in Trauma in the ICW and Juvenile Justice System. In October, 2012, The Indian Child Welfare Conference focused on assisting the 29 Washington State Tribes and five Indian Organizations in identifying youth experiencing trauma within their reservation schools, health programs, childcare, after school and TANF programs.

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<sup>62</sup> Linda Rinaldi & Nancy Ashley, *King County Uniting for Youth Implementation Evaluation*, MODELS FOR CHANGE, Dec. 31, 2012 available at <http://www.modelsforchange.net/publications/468> (last accessed May 8, 2014).

## VII. PREVENTION

The ideal route to reducing RED in the juvenile justice system is to keep youth of color from becoming involved with the juvenile justice system in the first place. As the root causes of RED are many and complex, prevention programs focus on a wide range of issues including police interaction, gang intervention, leadership programs, community engagement, and more. Community-based organizations play an especially significant role in this area.

**Seattle Youth Violence Prevention Initiative:** Therapeutic Health Services, Southwest Youth and Family Services, and agencies led by Rainier Vista Boys and Girls Club lead this collaborative initiative focused on reducing youth violence in our communities. Programs incorporate evidenced-based strategies along with home-grown, youth-and community-created programs. The Initiative focuses on critical populations of about 1,000 youth ages 12-17 who have: (1) been convicted of violent offenses and released; (2) have been arrested but not detained; (3) are middle school students at risk of chronic truancy or multiple suspensions due to violent behavior; (4) are victims of violence who may be at risk of retaliation; (5) and/or are gang involved. Youth are referred to services through schools, community agencies, juvenile court, police, street outreach workers, and Seattle Parks and Recreation extended hours programs. In addition, the initiative provides school emphasis officers at four schools, and street outreach workers to offer guidance and encouragement. The initiative released a progress report in October 2013,<sup>63</sup> highlighting recent developments in partnerships, opportunities for youth, and creation of a UW assessment tool to identify the most high-risk youth in need of SYVPI.

**Spokane Youth and Police Initiative (YPI):** The Spokane Police Department partnered with the North American Family Institute to coordinate a program that would enhance police officer understanding of the beliefs, values, and experiences of local youth, and to promote positive police/youth interaction. Similar to models implemented in Baltimore, Boston, and other cities nationwide, YPI participants experience facilitated discussion, team-building exercises and reality-based training scenarios. Graduation from the first session of YPI took place on January 31, 2014. There are a number of sessions scheduled for 2014 in various Spokane neighborhoods.

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<sup>63</sup> *Safe Youth Safe Community A Progress Report*, THE SEATTLE YOUTH VIOLENCE PREVENTION INITIATIVE, Oct. 2013, available at <http://safeyouthseattle.org/wp-content/uploads/2013/09/syvpi-progressreport-2013-lo-res-for-website.pdf> (last accessed May 8, 2014).

### **Criminal Street Gang Prevention and Intervention Grant Program:**

Three projects were selected to be funded by the legislature to help youth avoid gang membership and criminal behavior in general.

- **City of Tacoma, Gang Reduction Project:** The City of Tacoma's Gang Reduction Project works to continue implementing the OJJDP Gang Model. The Tacoma Gang Assessment was completed in early 2012,<sup>64</sup> and current plans focus on prevention, intervention, and suppression efforts.
- **Center for Children & Youth Justice (CCYJ), Suburban King County Coordinating Council on Gangs Implementation Plan:** Founded in 2011, the Council completed a Community Assessment of the extent of gang presence in suburban King County in Spring, 2013. Based on these findings, the council drafted an implementation plan covering many aspects of youth gang involvement, including increasing community resources and engagement, offering more educational opportunities, and providing targeted intervention and re-entry opportunities. The council began implementation in January, 2014.
- **FIRME Gang Outreach, Benton/Franklin Counties Gang Prevention and Intervention Project:** FIRME is a community organization working to curb gang involvement and offer reentry alternatives. Through grant funding, FIRME provides mentorship/leadership training, case management, resources for education and fine arts, and entrepreneurial training.

**Support Services Expansion:** The Benton-Franklin Juvenile Justice Center worked with the United Way and other partners to develop the "211 call/website" which allows a single point of contact for youth and families who are seeking mental health service assistance.

**Community-Based Efforts:** There is a vast array of commendable organizations working in various ways to reduce RED and to help youth in our communities thrive. It is important to recognize the invaluable work that they do, and to affirm and support them whenever possible. These community-based organizations are often in a unique position to assess the needs that exist in their own communities, and to generate creative, innovative solutions. Given the growing emphasis on evidence-based practices, these smaller organizations may need extra support in

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<sup>64</sup> Melissa Cordeiro, *City of Tacoma 2011 Gang Assessment*, THE CITY OF TACOMA, 2011, available at <http://cms.cityoftacoma.org/hrhs/GangProject/2011TacomaGangAssessmentFINAL.pdf> (last accessed May 8, 2014).

funding evaluation methods so that their contributions can be analyzed, understood, and shared. A small sample of commendable organizations is provided below.

- **A Better Seattle:** A Better Seattle (ABS) is a Seattle Seahawks community initiative led by Head Coach Pete Carroll. ABS works to reduce Seattle area youth and gang violence by forging partnerships that generate opportunities for at-risk youth to take control of their lives and strive for better futures. A Better Seattle partners with the YMCA of Greater Seattle's Alive and Free program and the Seattle Youth Violence Prevention Initiative to mobilize critical resources to transform the lives of youth.
- **Alive and Free:** Alive & Free serves youth and young adults in Seattle, Renton, Burien, Auburn, Federal Way and areas of unincorporated King County including White Center and Skyway. The program takes a unique approach by treating violence as a disease, and opening the door for treatment, rehabilitation, and prevention. Alive and Free creates lasting change by supporting our highest risk youth, reaching them in the community and in school, and by fostering community collaboration.
- **Washington Asian Pacific Islander Community Services (WAPI):** WAPI serves Asian Pacific Islander Youth and all Youth of Color, ages 10-20, in the greater Seattle area. By providing culturally competent and age appropriate prevention and services, WAPI helps youth deal with substance abuse/dependency issues. WAPI also offers healthy activities for youth through Katalyst, a music training program, and Street Scholars, which offers education on substance abuse and social justice issues.

## VIII. CONDITIONS OF CONFINEMENT

Washington's juvenile system differs from the adult system in that it emphasizes rehabilitation-oriented goals along with crime and punishment. Efforts to better serve these goals are underway through policy changes, treatment and education programs, and compliance monitoring.

**Juvenile Justice & Rehabilitation Administration (JRA):** JRA initiated a range of measures to address RED during Models for Change funding, specifically attempting to reduce parole revocations by 15%, and develop a youth remediation plan. Following an outside assessment, JRA developed an internal Diversity and Inclusion Resource Group, trained members and then worked through the group to identify effective training for JRA managers and changes to policies and procedures,

including updated administrative policies addressing diversity issues. JRA also conducted an internal recidivism analysis, finding disproportionate rates among African American youth. Following implementation of racial and ethnic tracking through the juvenile system JRA is monitoring possible differences in a range of screenings, assessments, performance indicators, and aftercare planning. At the end of Models for Change funding, differences in educational treatment planning had improved. Additionally, the provision of substance abuse treatment to Hispanic or Latino youth assessed with a requirement for services increased. The data show challenges with regard to African-American youth refusing substance abuse treatment, and JRA reported this would help them better serve these youth.

**JRA Policy Changes:** JRA recently updated its policies and procedures to fully comply with Prison Rape Elimination Act standards. Positive changes to staff conduct included forbidding excessive use of force in applying restraint techniques, and using respectful and non-judgmental language in dealing with youth and families.<sup>65</sup> Solitary confinement and other forms of isolation can cause serious psychological, physical, and developmental harm to youth in JRA facilities.<sup>66</sup> JRA's Policy 22, effective April 1, 2014, contains positive guidance on limiting the use of solitary confinement.<sup>67</sup> Highlights include standards for when isolation is used, and the conditions of the room, as well as a progressive review system for letting the youth out as quickly as possible. Given the harmful effects of solitary confinement on youth, reforms should continue to limit its usage as much as possible.

**Monitoring Compliance with the JJDP:** The PCJJ is currently requesting Qualifications and Quotations for the monitoring of adult lockups, holding facilities and jails in Washington State. The monitor will assess Washington facilities' compliance with the requirements of the federal Juvenile Justice and Delinquency Prevention Act. The role of the monitor is to educate and provide guidance to law enforcement agencies and adult jails in meeting core requirements, such as not having youth at adult facilities longer than six hours, and not at all post-adjudication. However, these policies do not pertain to juveniles under 18 who have been transferred or waived to adult criminal court jurisdiction, and the monitor will not account for the treatment of declined youth.

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<sup>65</sup> *Juvenile Rehabilitation Administration Policies*, WASH. ST. DEPT. OF SOC. AND HEALTH SERV., available at <http://www.dshs.wa.gov/jra/policy.shtml> (last accessed May 8, 2014).

<sup>66</sup> See *Alone and Afraid: Children Held in Solitary Confinement and Isolation in Juvenile Detention and Correctional Facilities*, ACLU, Nov. 2013; see also, Sandra Simkins et al., *The Harmful Use of Isolation in Juvenile Facilities: The Need for Post-Disposition Representation*, 38 WASH. U. J. L. & POL'Y 241 (2012).

<sup>67</sup> *Juvenile Rehabilitation Administration Policies*, note 55.

**Confinement of Youth:** Juvenile and adult courts commit the highest-risk youth to confinement at JRA facilities. Once the youth is given a determinate sentence, JRA holds that youth in residential care for a period between the minimum and maximum terms.<sup>68</sup> Under management of the Youthful Offender Program, declined youth are housed at JRA until they are 18, at which point they are sent to DOC adult prisons. Under current practice, if the youth is expected to be released prior to turning 21, JRA will retain them until then. If the youth is expected to be released after the age of 21, the case is reviewed at the age of 18 to determine if the youth will complete their sentence at DOC.

**Institutional Education:** The purpose of retaining youth for long-term confinement has always been for rehabilitation and re-education. However, no centralized office keeps track of the educational progress of detained students, and the reported results of JRA educational programs need to be improved. According to JRA, of ninth-graders who were in juvenile detention during 2005-2006, only 14 percent had graduated high school six years later, and 84 percent were drop-outs.<sup>69</sup> For youth who end up serving time at DOC adult facilities, outcomes are worse. In 1995, the Washington State legislature banned funding for post-secondary education in prisons. Thus, when youth age out of JRA and are sent to DOC, there are no programs in place for them to continue their education, despite being the same age as most college students. In the 2014 legislative session, HB 2486 would have ended the ban on funding college programs in prison, but did not garner enough support to pass.<sup>70</sup>

**Youth Voice:** JRA is using Youth Voice as a way to capture youths' perspective regarding their juvenile justice experience. These youth are directly impacted by our juvenile justice system, and through Youth Voice, they are rightly engaged in informing our efforts to improve it. Youth from JRA institutions, community facilities and parole participate in the program. The WA Partnership Council for Juvenile Justice (WA-PCJJ) has adopted the principles of the Youth Voice Movement as an integral part of full representation and participation in the process of reform. JRA youth are active participants on the WA-PCJJ Youth Subcommittee, co-chaired by John Clayton (Juvenile Justice and Rehabilitation Administration Assistant Secretary), and Starcia Ague. These experiences provide youth with leadership,

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<sup>68</sup> See *About Juvenile Rehabilitation*, WASH. ST. DEPT. OF SOC. AND HEALTH SERV., available at <http://www.dshs.wa.gov/jra/About.shtml> (last accessed May 8, 2014).

<sup>69</sup> See Claudia Rowe, *Just Learning? In Most Juvenile Prisons, Students Languish*, THE SEATTLE TIMES, Apr. 23, 2014, available at <http://blogs.seattletimes.com/educationlab/2014/04/23/juvenile-prison-education-outcomes/> (last accessed May 8, 2014).

<sup>70</sup> See HB 2486 - 2013-14, <http://apps.leg.wa.gov/billinfo/summary.aspx?bill=2486&year=2013> (last accessed May 8, 2014).

public speaking and problem-solving opportunities, and life skills that help them grow and develop as emerging adults.

**Cultural Programs at Green Hill School:** Incarcerated youth at Green Hill can participate in culture groups, offering a sense of community and connection to their respective identities and histories. There are currently African American, Asian Pacific Islander, Latino, and Native American culture groups. Youth involved in culture groups engage in performances, education, ceremonies, history and tradition, as well as leadership and community service. The program creates youth that are engaged and connected to their communities and identities.

**Justice for Girls Coalition of WA Coordination, CCYJ:** Federal JJDP Act Title II Formula Grant funding was provided for a project coordinator for the Justice for the Girls Coalition, to include conference planning for a conference in July 2013 on Juvenile Justice for Girls & Trauma.

**Freedom Inside, Open Society Foundations:** A SOROS Justice Fellowship will fund an innovative liberation-orientated program, led by Starcia Ague. It will consist of a series of classes led by local community members, and designed to foster personal power, leadership, legal knowledge, self-advocacy, and civic involvement in incarcerated youth. The project is still in the opening stages, recruiting teachers and developing curriculum.

## **IX. RE-ENTRY**

Youth of color face numerous barriers in reentering their communities and moving past offender status. The elimination of these barriers and the building of infrastructure to help youth succeed are in everyone's best interests. Recent programs surrounding reentry offer youth positive and healthy choices, with the goal of decreasing recidivism at both individual and societal levels.

**TeamChild's Yakima Reconnect Project:** The Reconnect Project works primarily with Latino youth, supporting them as they transition from JRA facilities to their community. Through intensive and individualized advocacy, the project connects these youth to community resources, and breaks down barriers to successful transition. The project aims to lower the overrepresentation of youth of color in the criminal justice system by helping them access the support they need, and stay out of the justice system.

**Education Advocate Services, ESD 112:** Educational Service District 112 received a grant to work with youth reentering the community from confinement in Clark, Cowlitz, and Wahkiakum counties (up to 40 youth total). The program aims to offer comprehensive case management services and the development of individualized Student Success Plans.

**Transition/Reentry Project, Northwest ESD 189:** Northwest Educational Service District 189 received funding to increase the success of formerly incarcerated youth by increasing family and community engagement. This is accomplished through developing strength-based reentry plans that are family-driven and youth-guided, and by providing access to other services available Snohomish County.

### **Emergency Transitional Services, Juvenile Justice & Rehabilitation**

**Administration:** Federal JJDP Act Title II Formula Grant Funding was disbursed for emergency assistance/services for youth transitioning back to their communities.

**Meanwhile: The Lasting Impact of Juvenile Records in WA State, Feb-5:** Title II Funding also provided consultation from an external filmographer to facilitate production of a documentary video/public service announcement to address record sealing practices and potential alternative strategies.

**Record Sealing:** Given the documented differences in adolescent brains, it is clear that juvenile offenders are less culpable and far more likely to be rehabilitated. Prior to this year's legislative session, Washington State was one of only eight states where juvenile records could be openly found online. On April 2, 2014, Governor Inslee signed the Youth Opportunities Act into law. This new law removes barriers to housing, education and employment for thousands of people by sealing most juvenile records once a sentence is complete, and all fines and fees have been paid. Exceptions to sealing remain for the most serious offenses, and for sex offenses, felony drug offenses, or other circumstances that provide a compelling reason not to seal. Courts will now hold regular hearings to seal records for young people who have turned 18 and have resolved their cases. Acquittals and dismissals will now be immediately sealed as well. While this new law significantly improves the ability of young people to move their lives beyond their past convictions, the duty to first satisfy all legal financial obligations may prevent some youth from accessing the benefits of a second chance. Any continued efforts to protect the futures of reformed juvenile offenders by sealing their records should be readily affirmed.

## **X. CONCLUSION**

There are many positive efforts occurring in our state directly and indirectly targeting the reduction of RED in the juvenile justice system. Wherever possible, these efforts must be brought to light and utilized as widely as possible. The Washington State Supreme Court plays an important role in this process, by raising statewide awareness of the issues, affirming positive programs, and pushing for meaningful reforms. Many issues remain unsolved, but there are also many people, organizations, and institutions, that are ready for a change.